

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:17-cr-265-1FL

UNITED STATES OF AMERICA)
)
 versus)
)
JUSTIN MILAM)

DEFENDANT'S SENTENCING MEMORANDUM

The letters in support of the Defendant filed under seal provide a comprehensive description and depiction of Justin Milam's entire life, his upbringing, his education, his devotion to the church, and his intended path as a Christian educator and pastor. These things have been echoed and corroborated by family members, close family friends, persons involved in his development as a church member, prayer leader, musician and clearly indicate what his intended life path was to be.

There exists a stark and inexplicable contrast between his life up until the time of his arrest and the offense of conviction and the collateral evidence described in the Presentence Report and in the investigative materials provided, as well as in the material undersigned counsel reviewed during his due diligence investigation prior to the entry of plea.

Since his arrest on state charges, and continuing into the federal case, the Defendant has cooperated fully with law enforcement regarding his crime. In this case, the Defendant was able to actively cooperate with law enforcement in an ongoing investigation. Defendant was interviewed on August 23, 2017 and September 29, 2017 by RPD Detective Ouellette regarding his knowledge and access to the materials and activities he participated in on the internet, as well as describing manner and means of his access to the internet and sites and individuals he had corresponded with. At the request of law enforcement, he voluntarily agreed that law enforcement could access his Iphone device in furtherance of its investigation.

From speaking with Detective Ouellette, undersigned counsel has concluded that the Defendant's cooperation was helpful to law enforcement, but the extent and success of further investigation conducted as a result of Mr. Milam's cooperation and debriefs is not presently known to counsel.

Defendant and counsel are hopeful that his cooperation and the extent of its benefit to law enforcement efforts will be made known to the Court, and it is currently not known whether the Government will be filing a USSG 5k1.1 motion on Defendant's behalf.

Defendant is requesting that the Court, whether or not the Government moves for a downward departure, will fashion a variance sentence for the Defendant.

Undersigned counsel and defendant are fully aware that the Advisory Guideline Range based on the Total Offense Level, despite a 3-level reduction for Acceptance of Responsibility, is in excess of a Level 43, and that the statutory maximum sentence for the offense of conviction is thirty years imprisonment.

However, given the defendant's life's history, lack of criminal record, and a long history of his good works within his community, defendant seeks a variance sentence in order to provide the defendant with the treatment and punishment appropriate to his crime, deterrence of further similar conduct, but also to provide the Defendant with a chance and opportunity, following punishment, to resume his original intended path to the ministry.

Respectfully submitted, this the 3rd day of January, 2018.

MANNING LAW FIRM PLLC

/s/ Thomas C. Manning

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Certificate of Service

Undersigned certifies that he has electronically filed the foregoing DEFENDANT'S SENTENCING MEMORANDUM with the Clerk, and has thereby served a copy upon Government counsel, AUSA Ethan Ontjes, this the 3rd day of January, 2018.

/s/ Thomas C. Manning

Thomas C. Manning